IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

WP(C).No. 34206 of 2006(V)

PETITIONER:

M.A.UMMER, AGED 54 YEARS,
S/O.ALIYAR, MOOLAYIL HOUSE, KAVUMKARA,
VELLOORKUNNAM, MUVATTUPUZHA, ERNAKULAM
DISTRICT. (POLICE CONSTABLE, ARMED RESERVE POLICE
CAMP, KALAMASSERY, DISMISSED).

BY ADV. SRI.P.FAZIL
SRI.A.C.THOMAS ADHIKARAM
SMT.JAYASREE MANOJ
SRI.SREEJITH V.S.

RESPONDENTS:

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1. STATE OF KERALA, REP. BY CHIEF
SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT SUPERINTENDENT OF POLICE,
ERNAKULAM RURAL, OFFICE OF THE DISTRICT
SUPERINTENDENT OF POLICE, ALUVA.

3. THE DEPUTY INSPECTOR GENERAL OF POLICE,
(CENTRAL RANGE), OFFICE OF THE DEPUTY INSPECTOR
GENERAL OF POLICE, CENTRAL RANGE, ERNAKULAM.

BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C)No. 34206 OF 2006 V
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Dated this the 3rd January, 2007

J U D G M E N T

The petitioner stands dismissed from service as per Ext. P2 order dated 24-8-2004 passed by the 2nd respondent. The reason for imposing the extreme penalty of dismissal from service is that he was found guilty of offences punishable under Section 138 of the Negotiable Instruments Act, convicted by the trial court and sentenced to undergo imprisonment and to pay a substantial amount as fine. The petitioner filed appeal before the Court of Sessions. However, he did not get a judgment from the appellate court setting aside the order of conviction. The only relief he got was reduction in the term of imprisonment. Feeling aggrieved, the petitioner has filed Crl.R.P. No. 176 of 2006 before this Court and the same is pending disposal. This Court has suspended the order of sentence but not the conviction.

2. The petitioner challenges Ext. P2 order on various grounds. At the same time he has filed a statutory appeal under the disciplinary rules before

the 3rd respondent with a delay condonation petition. Ext. P6 is the appeal and Ext. P7 is the petition for delay condonation. In the circumstances, it is only proper that the 2nd respondent is directed to consider Ext. P7 and depending on the order to be passed on Ext. P7 to take up for consideration Ext. P6 as well. Ordered accordingly.

3. The writ petition is disposed of fixing a time limit of 2 weeks for the 3rd respondent to pass orders on Ext. P7. Thereafter, Ext. P6 also shall be disposed of without delay.

The petitioner will produce a copy of the judgment along with a copy of the writ petition and Exts. P6 and P7 before the 3rd respondent for necessary action.

K.K. DENESAN
JUDGE

jan/